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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/682,466	10/09/2003	Pawan Chaturvedi	2374	9192		
28005	7590	03/12/2008	EXAMINER			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)
	10/682,466	CHATURVEDI ET AL.
	Examiner TUAN-KHANH PHAN	Art Unit 2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 December 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3, 5 and 7-15 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3, 5 and 7-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/ are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

This is Supplemental Action to the Final Office Action dated 01/25/2008.

Response to Amendment

The amendment, filed on 12/17/2007, has been entered and acknowledged by the Examiner. Cancellation of claims 4 and 6 has been entered. Claims 1-3, 5 and 7-15 are pending in the instant application.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5 and 7-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 9 and 12, applicant states that if the conference server has not yet received the agreement message from the terminating station agreeing to participate in the session, then completing setup of the conference leg between the conference server and the terminating station comprises (ii) sending the acknowledgement message from the conference server to the terminating station. While it discloses that completion of the setup can only be carried out upon receiving

the SIP 200 OK message, it seems that the claim languages state otherwise. Again, the completion of the setup can be only carried out if and only if the SIP 200 OK message has been received from the terminating station, not upon receiving the cancellation message. In a way, whether receiving a cancellation message or not from the originating station, the completion of setting up conference leg is carried out regardless. The claim languages, therefore, are not clear.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5 and 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bond et al. (US Pub 2005/0047389), hereinafter Bond, in view of Somekh et al. (US Pub 2003/0123466.), hereinafter Somekh.

Regarding claims 1, 9 and 12, Bond teaches a method of canceling setup of a conference (¶ 0079, II. 1-4, **using SIP Cancel message terminates a call**) to between an originating station (¶ 0079, **caller**) and a terminating station (¶ 0079, **callee**) via a conference server in a scenario where (a) the conference server has received an invitation message (¶ 0079, **conference server is equivalent to the SIP TIs receiving the original INVITE request**) from the originating station seeking to set up the conference with at least the terminating station (¶ 0079, **a caller tries to connect with**

at least one callee via SIP TIs) and (b) the conference server then receives a cancellation message from the originating station before setup of a conference leg between the conference server and the terminating station is complete (¶ 0079, II. 1-6;

SIP TIs received a CANCEL message from the caller before the called is completed), the method comprising:

in response to the cancellation message (¶ 0079, **SIP TIs receiving the cancellation message**), (i) completing setup of the conference leg between the conference server and the terminating station (¶ 0071; **when a response of OK agreeing to participate in the calling session by the callee to SIP IT [conference server], ACK message is sent back to the callee as an acknowledgement, thus the setting up session is complete, ¶ 0071, II. 4-8**) and (ii) then sending a teardown message from the conference server to the terminating station to tear down the conference leg between the conference server and the terminating station (¶ 0079, a **BYE teardown message is sent to the callee**), wherein

if the conference server has already received an agreement message from the terminating station agreeing to participate in the session, then completing setup of the conference leg between the conference server and the terminating station comprises sending an acknowledgement message from the conference server to the terminating station (¶ 0071, **when a response of OK agreeing to participate in the calling session by the callee to SIP IT [conference server], ACK message is sent back to the callee as an acknowledgement**); and

if the conference server has not yet received the agreement message from the terminating station agreeing to participate in the session, then completing setup of the conference leg between the conference server and the terminating station comprises (ii) sending the acknowledgement message from the conference server to the terminating station (**¶ 0071, when a response of OK agreeing to participate in the calling session by the callee to SIP IT [conference server], ACK message is sent back to the callee as an acknowledgement**).

While it is obvious that Bond could have made the conference server to wait for an agreement from the terminating station, Bond lacks (i) the conference server waiting and receiving the agreement message from the terminating station. However, in the same filed of endeavor, Somekh discloses (i) the conference server waiting and receiving the agreement message from the terminating station (**¶ 0213, II. 4-10, waiting for a response from terminating station before sending a teardown message to the termination station**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify waiting for the agreement message taught by Somekh into disclosures by Bond above to receiving a response to every single SIP request so that robustness is preserved and guarded against the losses of outbound messages.

Regarding claim 2, Bond and Somekh disclose the method of claim 1, wherein they further disclose the conference server carries out the completing and sending functions (Bond, Figure 2, "200"; **¶ 0046; SIP proxy server to communicate [equivalent to send and receive] with callers and callees**).

Regarding claims 3, 10 and 13, Bond and Somekhe disclose the method of claims 1, 9 and 12, Bond further discloses wherein the invitation message is a Session Initiation Protocol (SIP) INVITE message, the cancellation message is a SIP CANCEL message, and the teardown message is a SIP BYE message (¶ 0079).

Regarding claim 5, Bond and Somekhe disclose the method of claim 1, Bond further discloses wherein the acknowledgement message is a Session Initiation Protocol (SIP) ACK message (p. 7, II. 1-5).

Regarding claim 7, Bond and Somekh disclose the method of claim 1, Bond further discloses wherein the invitation message is a Session Initiation Protocol (SIP) INVITE message (¶0079), the agreement message is a SIP 200 OK message (¶ 0079), and the acknowledgement message is a SIP ACK message (p. 7, II. 1-5).

Regarding claims 8, 11 and 14, Bond and Somekh disclose the method of claims 1, 9 and 12, wherein Bond further discloses the conference leg is a Real-time Transport Protocol (RTP) session (¶ 0056).

Regarding claim 15, Bond and Somekh disclose the conference server of claim 12, Somekh further discloses comprising a network interface for communicating over a packet-switched network (¶ 0050, **a switched network interface adapted to received packets and signals**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuanKhanh Phan whose telephone number is 571-270-

3047. The examiner can normally be reached on Mon to Fri, 8:00am to 4:30pm EST, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TKP

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